

## REMARKS

Claims 1, 2, 6-15, 30-32, 36-43, 45 and 46 remain in the application for prosecution.

Claims 1, 30, 31 and 45 have been amended. Claim 47 has been cancelled.

### § 102 Rejections

Claims 1, 2, 6, 10, 12, 13, 30-32, 36, 40, 42, 43 and 45-47 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,558,801 to Vilutis ("Vilutis"). Vilutis is directed to a conforming liner that includes two panels joined together along opposing edges. As shown in FIG. 2 of Vilutis, the panels also include a seal line 21, 22. The seal line 21, 22, is spaced inward from the sides of the panels and extends straight downward along the liner.

Independent claim 1 is directed to a combination of a polymeric bag and a trash receptacle. The polymeric bag comprises a first panel and a second panel and "at least one narrowing seal" extending "inwardly and downwardly." Independent claim 30 is directed to a polymeric bag and a container in combination. The polymeric bag has first and second layers joined to each other along opposing sides and first and second narrowing seals extending "inwardly from near or at the side edges and extending down toward the straight bottom." Claim 31 is directed to a combination of a polymeric bag and a container in combination. The polymeric bag of claim 31 includes "at least a first narrowing seal extending inwardly and downwardly from near or at one of the pair of opposing sides." Claim 45 is directed to a polymeric bag and a container in combination. The polymeric bag of claim 45 includes "first and second narrowing seals" initially extending "from said bag sides and" extending "generally downwardly before extending back to said bag sides." All of the independent claims recite that the narrowing seals extend in both the horizontal and vertical direction. In contrast, as shown in FIG. 2 of Vilutis, the narrowing seals of Vilutis extend straight downward and do not extend in

the horizontal direction. Therefore, independent claims 1, 30, 31 and 45 are not believed to be anticipated by Vilutis.

Claims 1, 2, 6-8, 10-13, 30-32, 36-38, 40-43 and 45-47 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,759,642 to Van Erden et al. ("Van Erden"). Van Erden is directed to a contoured bag that is designed to have chamfer seals, thus creating a square bottom bag. Van Erden does not disclose a narrowing seal that extends from near or at one of the pair of opposing sides. As shown in FIG. 2 of Van Erden, the bag sides extend inwardly, not a separate seal. As discussed above, all of the independent claims require that the narrowing seals either: (a) extend inwardly and downwardly from the bag sides; or (b) initially extend from the bag sides, then extend downwardly before extending back to the bag sides. Van Erden does not disclose such narrowing seals. Instead, the sides are shaped as such to provide a narrowing feature.

Claims 1, 2, 6, 7, 10, 11, 13, 30, 46 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,018,646 to Billman et al. ("Billman"). As illustrated in FIG. 1, Billman is directed to a squeezable fluid container containing flexible sidewalls 26a and sealed side-edge margins 28a and 29a. The fluid container includes a cavity 34 for containing a fluid, such as juice. Billman does not disclose two opposing panels creating an open top. Independent claims 1, 30, 31 and 45 have all been amended to recite that the opposing panels create an open top that is opposite the bottom.

Additionally, all of the independent claims recite a bag in combination with a container or trash receptacle. Billman does not disclose such a combination. Therefore, Billman is not believed to anticipate amended claims 1, 30, 31 and 45.

Claims 1, 2, 8, 10-12, 31, 32, 38, 40-42, 46 and 47 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 5,944,251 to LaFleur ("LaFleur"). LaFleur is directed to a form fit, gusseted four or eight panel bag. La Fleur does not disclose a first and second panel joined together along a pair of opposing sides. No two panels in LaFleur are connected to each other twice. As shown in FIG. 1, LaFleur discloses a gusseted bag having four sides. Each of the side panels is connected to one other side panel on one side and a different side panel on another side panel. To the contrary, the claims all require that the panels are joined together along a pair of opposing sides, thus meaning the first and second panels are joined together along two sides. Therefore, LaFleur is not believed to anticipate amended claims 1, 30, 31 and 45.

Claims 1, 6, 8, 30, 46 and 47 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 5,980,109 to Wan ("Wan"). Wan discloses a self-tied garbage bag having a thermal bond line that is located along the sides of the bag. Column 2, lines 42-54. A tear line 2 extends along the thermal bond line 1 and is used to create a tie-strip 3. Wan does not disclose the use of the trash bag in combination with a trash receptacle or a container. Claims 1 and 30 have been amended to recite a combination of the polymeric bag and either a trash receptacle (claim 1) or a container (claim 30). Claims 31 and 45 were already directed to a bag and container combination. Therefore, claims 1, 30, 31 and 45 are not believed to be anticipated by Wan.

### **§ 103 Rejections**

Claims 9, 14, 15 and 39 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Vilutis, Van Erden, LaFleur or Wan. Claims 9 and 39 recite that the narrowing seal is created by adhering the first and second panels. Claims 14 and 15 recite the first and second widths of

the bag. Claims 9, 14 and 15 depend from independent claim 1 and claim 39 depends from independent claim 31. For the reasons stated above, claim 1 is believed to be allowable over LaFleur and Wan. Specifically, Vilutis does not disclose a narrowing seal that extends inwardly and downwardly at or near the sides. Also, as stated above, Van Erden does not disclose a narrowing seal that extends from near or at one of the pair of opposing sides. As shown in FIG. 2 of Van Erden, the bag sides extend inwardly, not a separate seal. LaFleur is directed to a gusseted bag having four sides, with none of the sides being connected twice to another side and Wan does not disclose the combination of a polymeric bag and can. For at least these reasons, claims 9, 14, 15 and 39 are believed to be allowable.

### Conclusion

The Applicants believe the claims are allowable over the prior art of record and are in condition for allowance.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number indicated.

Respectfully submitted,

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